

## **Democracy Dies Behind Closed Doors**

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Individuals and families migrate economic, social, political or environmental reasons. Environmental reason to migrate may be drought or flooding that forces them to move elsewhere. Many migrate as refugees fleeing war or political violence in their homeland. There are push and pull factors that play a role in migration. Flooding is an example of something that pushes an individual to migrate. Poor economic conditions and the promise of higher wages or better employment opportunities are pull factors that often bring migrants to the U.S.

Every human being deserves shelter, safety, food, and clothing. When one minimizes or magnifies the rights to these things, one can start to see how they play a role in the waves of global migration. People migrate to attain these basic human rights for themselves and their loved ones. Many are migrating to achieve what does not meet a basic definition of human rights, yet is better than the circumstances they have left behind. For the most part, individuals would not continue to migrate here if there were not better economic opportunities for them. The U.S. has a schizophrenic reaction to immigration. Individuals who come and work at low-wage, dangerous jobs are welcomed—lack of legal residency is disregarded for cheaper labor. However, the penalties for getting caught without proper documentation call for detention and removal. Looking at post 9/11 proposed legislation, federal statutes, and rulings show the paralysis of pro-immigrant legislation and a step back to placing fear-based blame on immigrants.

The rights of the Other in the U.S. have always been controversial. While the nation was founded and built by outcasts of various nationalities, our country has a long history of racism and isolationism, with an equally long history of groups and individuals recognizing these problems and fighting them. In the wake of the events of September 11<sup>th</sup>, 2001, the U.S. began a new era of fear and controversy with regard to Others; immigrants, minorities and other members of society that do not fit the norm. One of the hardest hit groups by the new anti-terrorism campaigns has been the immigrant population, and they have reacted in true patriotic, all-American fashion. Marches, demonstrations, lobbies and prayer vigils have exploded across the country as the newest members of a population built by *others* make their voices heard.

Several of this past years' proposals for Immigration Reform will be briefly described and discussed during the presentation. There will be some social, cultural, economic, political and theological analysis of how the U.S.A. Patriot Act and other United States Citizenship and Immigration Services (USCIS) and Department of Homeland Security (DHS) moves have threatened the human rights of individuals living within the United States—those residing here lawfully, and those without the proper paperwork.

The USA-PATRIOT Act includes several provisions that directly affect immigrants. These provisions include the following: an expanded definition of "terrorism" for immigrant purposes, indefinite detentions, consular identification documents, and the broadening of federal authority affecting privacy rights [Illinois Coalition for Immigrant and Refugee Rights. "Loosing Ground," (revised) September 2003]. The concern with several of the provisions in the USA-PATRIOT Act is that they

are potentially unconstitutional. It gives power to a few to completely control the lives of detained immigrants regardless if they've been found guilty of a crime, or not. There are documented cases of U.S. citizens and undocumented alike that have been imprisoned (detained) and abused, as well as profiling and discrimination.

The ACLU took the DHS to task in a 2004 lawsuit claiming that its hidden detentions and trials of many immigrant detainees did not adhere to the transparency that was necessary in a democracy. The U.S. 6<sup>th</sup> Circuit Court of Appeals ruled that, "The executive branch seeks to uproot people's lives, outside the public eye, and behind a closed door. Democracies die behind closed doors. "The government could operate in virtual secrecy in all matters dealing, even remotely, with 'national security,' resulting in a wholesale suspension of the 1<sup>st</sup> Amendment rights... This, we simply may not countenance. A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the Framers of our Constitution."

Events in the last year are a testament to the importance—and toxicity of addressing the need for Comprehensive Immigration Reform. The fear of the Other in the United States leveraged government funding to begin construction of a wall along a stretch of the U.S.-Mexico border. Migration is happening across the globe. Battles over immigrant rights and proper immigration reform are taking place everywhere. Listed below are the numbers of deportations carried out by the U.S. government agency ICE (Immigration and Customs Enforcement) over the past several years (border apprehensions are not included). One can see that there has been a significant increase in deportations.

- FY 2005: 168,900
- FY 2006: 186,600
- FY 2007: 276,900

([http://www.ice.gov/doclib/about/ice07ar\\_final.pdf](http://www.ice.gov/doclib/about/ice07ar_final.pdf))

The unreported casualties of the current Immigrant Rights movement are immigrants who are detained in Immigration Detention Centers across the U.S. It is not broadcast in the mainstream news; however almost weekly there are raids, detentions and deportations of these individuals in an almost complete silence. These searches, detentions and deportations affect individuals, communities, the prison industry, the economy and faith based communities. Detentions and deportations break apart and terrify families and communities of immigrants. Immigrants held in detention are the Other who needs to be welcomed into our midst.

A concerning reality is that the United States government has turned over the day-to-day operations of many of its federal prisons to private companies. These companies are not held to the same standards as should be required of U.S. prisons. Prior to 9/11 Immigration would normally catch undocumented individuals, and release them with a date in Immigration Court. That practice has now changed from releasing these individuals to detaining them. There are entire communities in the southern region of the United States that are suddenly able to support themselves due to the new economic growth: new immigrant detention centers. The average detainee is detained for 42.5 days, and the cost per detainee ranges approximately \$85.00 each day. The prison industrial complex has become one of the new relationships between the federal government and large corporations. Annually for several years now, the number of

detainees has grown, as well as the budget to cover the costs of their detention. At one point in 2007 there were 31,000 beds full simultaneously.

In September of 2007 a Washington D.C. political analyst spoke to a group in Chicago. She argued that it would be at least five years before we see any “good” movement on Comprehensive Immigration Reform at the federal level. It could be the backlash to this anti-immigrant climate that will hopefully bring about positive change. She also, in an almost confessional tone claimed that she wishes that toward the end of the last legislative session, that she would have fought harder for the compromised piece of legislation that almost made its way through the senate to a vote. Instead, many of those who had collectively been pushing for reform argued about its details and it began to split people apart.

The details of the failed proposed legislation were important. They stipulated fines, mandatory touchbacks, funds for further militarization of the U.S. border with Mexico, and further construction of Immigrant Detention centers. All of this was clearly stated in the legislation. It had undergone months of discussion, lobbying, pushing and pulling from both Democrats and Republicans. Some argued it was too much of a compromise, and others argued it was not enough. In the end, there was not enough support to bring about comprehensive immigration reform.

Chicago has played a large role in the national movement for immigration reform in recent years. As the home of many immigrant communities it has grappled with the changes in national policy and public sentiment. Many immigrant groups (civic, faith-based, and neighborhood) have begun to search inwardly and externally for new relationships and solidarity to survive in the current anti-immigrant climate. This has brought together a diverse group of religious congregations, community-based organizations and advocacy groups. There will be a discussion in this presentation of several local examples of work done for Immigration Reform and communities that have begun to shift their focus to what is next. Given that there may not be any legislative reform in the next five years, groups are confronting the current reality of continued raids, detentions and deportations and finding ways to push the issue in new ways. The work continues for justice through Know Your Rights Trainings, informational meetings about No-Match Letters, informational sessions and continued conversation with elected officials as well as forming new partnerships and strategies.

The challenge today is responding to this broad and complicated reality. The hope is that people listening to campaign adds like those of Colorado Congressman Tom Tancredo will begin to sense that they may agree with him, but not completely. That there is something that is just a little too hateful in his rhetoric. In calling for justice there is a need to find and develop a diverse base of supporters for a just immigration reform. This can be everybody’s work. Much of this work is facing the need to reconcile the differences dividing individuals, groups and communities. The hope is found in conversations, elections, new ecumenical partnerships, partisan electoral work and an increased interest in the issues.

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## REACTION FROM GRADUATE STUDENT

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### **Thirst and Response: Justice for the Stranger Begins with an Open Door**

It seems providential that tomorrow's readings in the common Christian lectionary deal with the notion of thirst and response. The questions at play in the scriptures of the day from Exodus to the Gospel of John are articulated in much the same way that Ms. Stebbins critically addresses them in her presentation this afternoon. Ms. Stebbins asks: How can we welcome the Other in light of contemporary socio-political circumstances that seem to mark current debate with what some describe as xenophobia and what others describe as a need for increased national security? It seems that the thirst for reform, no matter the political orientation, is at the fore of American politics. Ms. Stebbins is right to emphasize that the phenomenon of global migration is happening whether we want it to or not. The sacred texts of Christianity, like those of many other world religions, call for a response that acknowledges a thirst for justice under the law and simultaneously offers pastoral care for the stranger. Simply put, we are called to act.

Recognizing our own context, the fact that we engage in this dialogue at Loyola Chicago, a Catholic, Jesuit university committed to a city that has also found itself in the center of this debate as Ms. Stebbins points out means that we, too, must respond. Like the Samaritan woman at the well or the wandering Israelites of the Exodus narrative, we find ourselves tested by the debate. The Israelites clamor for their needs to be met. Wouldn't you? Years wandering with no bread and water leads them to wonder, as the final line of the passage tells us: "Is the LORD in our midst or not?" (Ex. 17:7). This question rouses in us strikingly painful feelings especially when considered from the perspective of immigrants who suffer under the yoke of political and social oppression due to their status in our capitalist democracy. In Romans 5, the question, "Is the Lord in our midst or not?" is transformed by Paul's reflection on the three theological virtues: faith, hope and love. In typical flair, Paul locates the Christian virtues in the person of Jesus whose saving act on the cross and subsequent resurrection must become our decisive response.

Biblical scholar Raymond Brown points out that "Christianity is a religion of hope, and what God has yet to do in and through Jesus remains an important component of its theological outlook. Nevertheless, the substance of the Christian proclamation to the world is what God has done in Jesus" (1994, p. 112). This balance between eschatological hope and soteriological redemption is present in the person of Jesus and in the Church as people of God (see for example Rahner's reflections in *Foundations of Christian Faith*, "5. – An indirect method for showing the legitimacy of the Catholic Church as the Church of Christ") (1978, p. 346-348). Hope in what is to come (the purview of eschatology) and faith in what has already happened (the purview of soteriology or redemption), then, is the sum and substance of Christian existence. It is something which Ms. Stebbins has demonstrated to us this afternoon. She presents us with examples of countless Christians working to redeem unjust immigration policies and to institute reforms that welcome strangers as children of God, rather than marginalizing them.

Jesus breaks nearly every rule of Jewish piety in his conversation with the Samaritan woman at the well. Her claim to the same salvation history in calling Jacob her father would have been an abomination to the faithful Jew in Jesus' Palestine (Brown, Raymond, & Roland Murphy, 1990). Yet, Jesus does not flinch. He opens the door to her by asking her to serve him. "Quench my thirst." The moment is not about national affiliation, social status, or juridical or pious norms. The moment is about service.

Tonight or tomorrow, we will hear this reading and we will be faced once again with the question that is posed in Jesus' act in John and articulated so well by Ms. Stebbins: "How can we welcome the other?" This is the pastoral challenge for all who are committed to realizing justice through humane immigration policies. There is no doubt that it is difficult, and sometimes we, like the Israelites wandering in the desert, wonder if the Lord is in our midst or if we have lost our way. In order to live as a community of hope and redemption, we must embrace the kind of change work that Ms. Stebbins has spoken of today as good work that needs to be done in order to redeem the law which, as she suggests, is flawed and broken AND to be pastorally present to those strangers in our midst. Action on behalf of immigrants embodies the virtues of faith, hope, and love and allows us to open our doors through policy and personal acts of service in ways that transform this immigration debate one life at a time.

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## **REACTION FROM GRADUATE STUDENT**

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In reaction to “Democracy Behind Closed Doors” and Franky Stebbins description of immigration legislation that frames those who migrate as “other” makes me think of an experience with my work at the 8<sup>th</sup> Day Center that I would like to offer as a point for further reflection. The experience has to do with legislation that followed Hurricane Katrina in the areas most affected by the storm and the impact that legislation has had on the immigrant work force and native-born workers in New Orleans. This description gives only a brief glimpse of my own perspective into the very difficult and complex immigration debate in the U.S. However it is one thing I think of when I hear Franky mention “the rights of ‘Other’ in the U.S. have always been controversial”.

In the spirit of the 8<sup>th</sup> Day Center’s efforts to address current issues that are the signs of the times two staff member (myself being one) traveled to New Orleans to meet with different community organizers, lawyers, environmentalist, activists, teachers and people in the medical profession to get a better understanding of what was happening in the areas most impacted by Hurricane Katrina. Our goal was to gather facts on issues around housing, health care, education and immigration and to find some way the Center could be support to the people and groups we were meeting with.

A few facts around immigration I would like to point out. Hurricane Katrina made land fall on August 29<sup>th</sup>, 2005 leaving the US with one of the larges, domestic reconstruction projects for which the country has ever been responsible. In the wake of the storm the government received harsh criticism for what seemed like a blatant lack of action for the Gulf Coast region and it’s Diaspora. However, in actuality there were a number of policy changes implemented by the nations leaders directly after the storm subsided.

First, the day after the storm hit the Occupational Safety and Health Administration suspended regulations of job safety and health. Then on September 6<sup>th</sup> the Department of Homeland Security suspended sanctions on employers who hired undocumented workers as required under Section 274A of the Immigration and Nationality Act. Then, the Bush Administration proposed the Environmental Protection Agency be allowed to waive environmental regulations during reconstruction process, including provisions of the Clean Air Act. And finally on September 8<sup>th</sup> the Bush Administration lifted the Davis-Bacon Act requiring contractors to pay a minimum wage to construction workers. With these suspensions in place, corporations began a process of applying to the Department of Labor to bring foreign workers into the country to be a part of the reconstruction process. A quote taken from an interview with Deepa Fernandez, who has done research on immigration in New Orleans states:

“Now, in countries like Peru and Bolivia and the Dominican Republic and some Asian countries, there’s mass advertising happening: ‘Come and rebuild New

Orleans. Come and help the devastated city. And we're looking for carpenters and mechanics and painters.”<sup>1</sup>

What ends up happening is that these policies pervade the system and in New Orleans two years after the fact you can see immigrant communities, lured in with the promise of work and African American communities, dispersed all over the country trying to return home competing for the lowest paying jobs in a hazardous environment with no protection. The “other” in New Orleans is both the immigrant population and the African American Diaspora.

A few final points of reflection; first, what does this mean for society at large? This situation just described is not specific to New Orleans rather it highlights what is happening around the country with employers and immigrant labor and it is something that affects both the immigrant work force and native-born workers. Second, I think the debate on immigration in the U.S. needs to include a description that can fully articulate what happens to people before they cross the boarder. U.S. policy on immigration doesn't explain why people migrate rather it identifies them once they are here. Also, how do you find information on national and internationally policies when, if you were the average citizen trying to be aware the last thing you would have heard about New Orleans in the news would have been about Mardi Gras and the French Quarter. Finally, with all the social analysis that comes out of the 8<sup>th</sup> Day Center I feel as though I become very good at critiquing structures I do not agree with and need to reflect more about what could be created. What does it look like to create a process in which everyone's needs are met? And how do we stay committed to this when creating such a process is an up hill struggle that leaves more questions than answers?

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<sup>1</sup> Democracy Now, “*Targeted: Homeland Security and the Business of Immigration,*” <http://www.democracynow.org/article>. (accessed February 1, 2007).